



CITY COUNCIL WORK SESSIONS AGENDA

**Council Chambers
25 Crescent Road
Monday, September 17, 2018
7:30 PM**

Work Session Packet

Board of Elections

[Board of Elections_WS.pdf](#)

City Council Work Sessions Agenda Item Report

Meeting Date: September 17, 2018

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Board of Elections

Suggested Action:

Attachments:

[Board of Elections_WS.pdf](#)

**Greenbelt City Council
Work Session**

Board of Elections

**September 17, 2018
7:30 p.m.**

**Council Room
Greenbelt Municipal Building
25 Crescent Road**

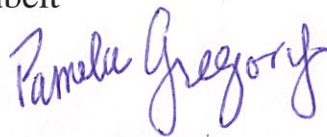
Agenda

- Introductions
- Presentation
- Council Discussion
- Questions and Answers
- Other

MEMORANDUM

DATE: September 5, 2018

TO: Bonita Anderson, City Clerk, City of Greenbelt

FR: Pamela Gregory, Chair, Board of Elections 

RE: Suggested Election Code Amendments for City Council
Work Session on 17 September 2018

Ms. Anderson, attached are copies of suggested amendments to the City's Election Code. The Council discussed these items at a work session on January 3rd and will review them in more detail at a work session scheduled for September 17th.

The Board of Elections has reviewed and approved the proposed amendments, and respectfully submits this memorandum and the attachments as its Election Code report to the Council.

In summary, the amendments are as follows:

*Electioneering: The amended Section 8-11 sets up a procedure whereby election judges, the City Clerk, and the Board of Elections may impose fees for violations.

*Early Voting: The amended Section 8-13 adds the Municipal Center as an additional weekend polling place and also adds a week to the early voting period.

*Campaign Financial Reports: The amendments expand campaign financial reporting requirements, as to subject matter and report format. They also provide for the payment of a \$50 fee for every full or partial business day a report is filed late, and they require the Board of Ethics to review reports for Code compliance.

Minor amendments are suggested throughout, intended to consolidate subject matter in and enhance readability of Election Code sections.

One amendment not included here involves the composition of the Board of Elections. Because of proposed added duties, the Board members agree that their number should be increased from five to seven. That change in City law would be made by amending Section 16(a) of the City Charter.

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Board members also discussed generally, and believe the Council may wish to consider later, a major change to elections procedures, to have all votes in future elections cast by mail.

Attachments:

Proposed amendments to Sections 8-11, 8-13, 8-21, 8-22, 8-23, 8-24, 8-25, 8-26, 8-27, Greenbelt City Code

Copies to:

Board of Elections Members

GbltCityCodeSept2018Memo

SECTION 8-11 REDRAFTED: ELECTIONEERING NEAR POLLING PLACES

Here is a new, amended Section 8-11, concerning electioneering near polling places. The current section gives 150-foot restrictions on electioneering but does not provide for enforcement of the restrictions by election officials.

The suggested amendments revise wording in the section and authorize election judges who find, after warnings, continued violations of electioneering restrictions by a candidate's worker to immediately advise the City Clerk.

The City Clerk may then, after informing the Board of Elections, advise the candidate that a fee of \$100 must be paid to the finance department before the candidate files the campaign's final financial report. The Board may then review the actions of the election judge and City Clerk, on the candidate's request.

The legislative basis for the fee would be that the candidate's campaign worker required an election judge: (1) to warn the worker more than once of electioneering restrictions, and (2) to then advise the City Clerk and Board of Elections that the worker ignored the warnings. The fee is intended as a deterrent.

Sec. 8-11. Electioneering near polling places.

(a) No person is permitted to canvass, electioneer, or post campaign materials at a polling place or within a radius of one hundred fifty feet from the building's entrance and exit closest to the room where voting occurs.

(b) This procedure shall be followed, if an election judge concludes that a worker for a candidate has violated and then ignored warnings about electioneering restrictions in this Code:

(1) The election judge shall first warn the worker of the restrictions. The judge must then conclude that the worker after more than one warning continues to violate the restrictions.

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(2) The election judge after reaching this conclusion is authorized to inform the City Clerk of the violations.

(3) The City Clerk is authorized, after informing the board of elections, to advise the candidate that a fee of \$100 must be paid to the finance department before the candidate's final campaign financial report can be accepted for filing.

(4) The board of elections shall review, on the candidate's written request, the determination by an election judge and the City Clerk that a worker for the candidate continually violated electioneering restrictions. The board, after hearing the City Clerk's report and considering the candidate's written request, shall by majority vote decide whether the candidate's worker failed after warnings to comply with electioneering restrictions. The decision by the board of elections shall be final.

Here for comparison is the current Section 8-11, with its legislative history and Code editor commentary.

Sec. 8-11. Conducting electioneering activities near polling places.

No person may canvass, electioneer or post any campaign literature or material in a polling place or within a one hundred fifty-foot radius from the entrance and exit of the building closest to that part of the building in which voting occurs. (Ord. No. 1077, 10-28-91; Ord. No. 1261, 8-8-05) Editors Note: Ord. No. 1077, adopted Oct. 28, 1991, did not specifically amend this Code; hence, inclusion of its provisions as § 8-11 herein was at the discretion of the editor.

SECTION 8-13 REDRAFTED: EARLY VOTING

Here is a suggested new, amended Section 8-13. The current section includes all Code provisions on early voting.

The suggested amendments: (1) add another week to the early voting schedule, and (2) require an early voting polling place at the Municipal Building, on every weekend day of early voting.

The amendments give voters two early voting locations for the second and third weekends. The present Code gives one location for each of two weekends.

The proposed amendments also make style and format changes and add a provision addressing the problem of an irregular submission that raises the issue of voter privacy rights.

Sec. 8-13. Early voting.

(a) Residents of the City who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.

(b) For purposes of this Code, an "early voting ballot" is a ballot not used for absentee voting or in a polling place on election day, and "election day" is the day of a municipal election.

(c) Early voting is authorized during the period from the fourth Saturday to the first Friday prior to an election, as follows:

(1) During the period, from 9:00 a.m. to 5:00 p.m. on all Mondays, Wednesdays, Thursdays, and Fridays, and from 9:00 a.m. to 8:00 p.m. on all Tuesdays, in the Municipal Building;

(2) From 9:00 a.m. to 1:00 p.m. on all Saturdays and from 11:00 a.m. to 2:00 p.m. on all Sundays during the period, at the Municipal Building;

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(3) From 9:00 a.m. to 1:00 p.m. on the second Saturday and from 11:00 a.m. to 2:00 p.m. on the second Sunday prior to the election, also in Greenbelt West; and

(4) From 9:00 a.m. to 1:00 p.m. on the third Saturday and from 11:00 a.m. to 2:00 p.m. on the third Sunday prior to the election, also in Greenbelt East.

(d) Early voting ballots shall be cast and counted as follows:

(1) The voter must obtain and complete an early voting ballot on the designated premises; seal it in a blank envelope; place and seal the blank envelope in an early voting envelope, signed by the voter, with the name as registered printed on it; and then place the envelope in a designated ballot box.

(2) Ballots in early voting envelopes that contain more than one blank, sealed envelope shall be kept by the City Clerk but may not be counted.

(3) If a ballot is submitted in a properly signed and sealed early voting envelope but not contained within a blank, sealed envelope, then the board shall decide by majority vote whether the ballot may be counted and whether the voter's privacy has been violated. If such a ballot is to be counted, it shall be placed in a blank, sealed envelope and then included with all other envelopes containing early voting ballots. The City Clerk shall notify by mail every voter whose privacy the board determines has or might have been violated.

(4) The City Clerk shall deliver the early voting sealed, blank envelopes to the clerks appointed by the board for the counting of early voting ballots. The City Clerk shall advise them of the number of ballots cast and shall keep the same record of early voting ballots as is kept by the clerks of election at their polling places.

(5) Upon receipt of the early voting sealed, blank envelopes, the early voting clerks shall open them and determine whether any contain more than one ballot. A ballot in an envelope containing more than one ballot may not be counted.

(6) If the City Clerk or an early voting clerk challenges a ballot for noncompliance with the Code, then the board shall decide whether it may be counted. All such board decisions, by majority vote, shall be final.

Here for comparison are the present Code provisions of Section 8-13, with its legislative history.

Sec. 8-13. Early voting.

(a) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.

(b) For purposes of this Code, an "early voting ballot" is a ballot not used in a polling place on election day nor for "absentee voting," and "election day" means the day of a municipal election.

(c) Voting by early voting in municipal elections shall be as follows:

(1) Early voting will begin on the third Saturday prior to the election and end on the first Friday prior to the election on the following schedule: Third Saturday (9:00 a.m. to 1:00 p.m.) and third Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt East; second Saturday (9:00 a.m. to 1:00 p.m.) and second Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt West; and Mondays, Wednesdays, Thursdays and Fridays (9:00 a.m. to 5:00 p.m.) and Tuesdays (9:00 a.m. to 8:00 p.m.) in the Municipal Building throughout this period.

(2) To cast an early voting ballot, the voter must complete the ballot on the premises, place it in a blank, sealed envelope, and then place the sealed envelope in the early voting envelope on which are written the voter's name as registered and signature. The voter shall place the early voting envelope in the designated early voting ballot box. Early voting envelopes that contain more than one blank, sealed envelope shall be kept by the City Clerk, and those early voting ballots shall not be counted. If a ballot is submitted in a properly signed and sealed early voting envelope without being contained in a blank, sealed envelope, then the board shall

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determine by majority vote whether a violation of the voter's privacy has occurred or whether the ballot may be counted. If a determination is made to count the ballot, then a member of the board shall place the ballot in a blank, sealed envelope.

(3) The City Clerk shall deliver the ballot box containing the early voting sealed, blank envelopes to the early voting clerks appointed by the board of elections for the counting of early voting ballots. The City Clerk shall advise the early voting clerks of the numbers of early voting ballots cast, and shall keep the same record of the early voting ballots as is kept by the clerks of election at their polling places.

(4) Upon receipt of the ballot box containing the early voting sealed, blank envelopes, the early voting clerks shall open the sealed envelopes and determine that no envelope contains more than one (1) ballot. Ballots in sealed envelopes that contain more than one (1) ballot shall not be counted.

(5) If an early voting ballot is challenged by the City Clerk or an early voting ballot clerk for noncompliance with this section, it may not be counted until the board of elections determines that it is valid. Early voting ballot validity shall be determined by rules adopted by the board. (Ord. No. 1302, 8-10-09)

SECTION 8-21 REDRAFTED: CAMPAIGN FINANCIAL REPORTS

Here is a new, amended Section 8-21. This section in the current Code covers the subject of campaign reports of contributions and expenditures.

The suggested amendments call these documents “campaign financial reports.” They also clarify what the reports should contain, and they require the Board of Elections to prepare a form, in affidavit format and approved by the City Solicitor, for candidates and treasurers to use.

The current Section 8-23 includes format standards and approval processes for reports. They are incorporated and revised in this amended Section 8-21, so that readers can see in one section all report content and format requirements.

The amendments distinguish between contribution categories, to be listed separately: (1) money and other financial assets, (2) campaign materials (defined in Section 8-10) and other physical assets, and (3) professional or other services.

The proposed amendments also authorize and require the Board of Ethics to review all campaign financial reports for compliance with this amended Section 8-21.

Sec. 8-21. Campaign Financial Reports.

(a) Each candidate for the office of council member and the candidate's treasurer shall file with the City Clerk an original and a copy of a campaign financial report, as specified below.

(b) Reports shall be available for public examination during the City Clerk's normal office hours.

(c) As soon as practicable after a report is filed, the City Clerk shall forward a copy to the Board of Ethics. The board of ethics shall report to the board of elections any noncompliance it finds with this section.

(d) In this Code, a “contribution” to a candidate includes, as separately reportable categories: money and other financial assets, campaign materials and other physical assets, and services to a campaign, as further provided below.

(e) Campaign financial reports shall include the following:

(1) Each contribution of money or other financial assets whose value exceeds twenty-five dollars (\$25.00);

(2) Each contribution of campaign materials or other physical assets whose value exceeds twenty-five dollars (\$25.00);

(3) Each contribution of services to a campaign, where the services have value exceeding twenty-five dollars (\$25.00) and are provided by an accountant or bookkeeper, an attorney or legal adviser, or any other person, such as an artist or designer, whose services the candidate would ordinarily pay for;

(4) All contributions whose value exceeds twenty-five dollars (\$25.00) by candidates themselves or any member of their immediate families, in which listings the category and value of each contribution is separately stated;

(5) The total value of all contributions, of every category, regardless of the value of individual items;

(6) Each expenditure whose amount exceeds twenty-five dollars (\$25.00); and

(7) The total of all expenditures, regardless of amount.

(f) The campaign financial reports for each candidate shall be subscribed and sworn to, or affirmed, by the candidate and by the candidate’s treasurer.

(g) The board of elections shall prepare and from time to time revise the form used for campaign financial reports, which must also be approved by the city solicitor.

Here for comparison are the current Sections 8-21 and 8-23, with their legislative histories.

Sec. 8-21. Report required.

Each candidate for the office of council member and the designated campaign treasurer shall file with the City Clerk reports as specified below which shall list each contribution, including any contribution of an in-kind service, and expenditure of more than twenty-five dollars (\$25.00) in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions and expenditures including those of twenty-five dollars (\$25.00) or less. The reports shall include all contributions received and expenditures made by the candidate or, with the knowledge of the candidate or the candidate's treasurer, by any other person. The reports shall include contributions made by the candidate or a member of his/her immediate family. All reports filed shall be available for examination by any member of the public during the normal office hours of the City Clerk. (Code 1971, § 7-11; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-23. Form; affirmation of report.

The reports shall be made on forms provided by the City Clerk and approved by the city solicitor. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer. (Code 1971, § 7-13; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

SECTION 8-22 REDRAFTED:

TIMES FOR FILING; LATENESS FEES; STRIKING A CANDIDATE'S NAME

Here is a new, amended Section 8-22, concerning the times for filing campaign financial reports. The current Code states the times and authorizes the Board of Elections to strike a candidate's name from the ballot if a report is late.

The suggested amendments provide for a fee of \$50 for every full or partial business day of lateness. Also the Board of Elections is authorized to strike a candidate for substantial lateness or for a Code violation found by the Board of Ethics.

The current Section 8-26 gives the Board of Elections authority to strike a candidate's name if the candidate fails to appoint a treasurer or files a late report. This amended Section 8-22 provides for striking in the case of substantial lateness, and amended Section 8-24 has all provisions concerning treasurers.

Sec. 8-22. Times for filing; lateness fees; striking a candidate's name.

(a) Campaign financial reports shall be filed at the times specified below.

(1) A first interim campaign financial report, covering contributions received and expenditures made since the most recent regular election and prior to the seventh Monday preceding the election, shall be filed no later than 12:00 p.m. on the sixth Friday preceding the election.

(2) A second interim report, for contributions received and expenditures made between the seventh Monday preceding the election and prior to the third Monday preceding the election, shall be filed no later than 12:00 p.m. on the second Friday preceding the election.

(3) A final campaign financial report, covering all contributions received and expenditures made and not previously reported, shall be filed no later than 12:00 p.m. on the Friday following the election.

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(b) For each full or partial business day a report is filed late, a candidate must pay a fee of \$50.00. The City Clerk may not accept for filing a late report unless the full fee is first paid to the finance department and a receipt for the payment accompanies the report.

(c) A candidate who fails to file the final report, if elected, shall not take office until the report is filed.

(d) The board of elections is authorized to strike from the ballot the name of any candidate whose report or reports it finds are substantially late, if the board also finds that the lateness shows purposeful disregard for financial reporting requirements.

(e) The board of elections is further authorized to strike the name of any candidate whom the board of ethics determines has not complied with financial reporting requirements.

(f) No person who is in violation of a city election law or reporting requirement in this Code may submit a nomination petition or run for the office of city council. If a complaint is filed with the City Clerk against a candidate under this section, then the board of elections shall determine whether the candidate is eligible for office.

Here are the current Sections 8-22 and 8-26, with their histories.

Sec. 8-22. Deadline for filing report.

A first interim report of campaign contributions and expenditures received since the date of the last preceding regular election and prior to the seventh Monday preceding the election shall be filed no later than 12:00 p.m. on the sixth Friday preceding the election. A second interim report of campaign contributions and expenditures received between the seventh Monday preceding the election and prior to the third Monday preceding the election shall be filed no later than 12:00 p.m. on the second Friday preceding the election. A final report of campaign contributions and expenditures not previously reported shall be filed no later than

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12:00 p.m. of the Friday following the election. (Code 1971, § 7-12; Ord. No. 983, 5-5-86; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-26. Failure to appoint a treasurer or file reports.

Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed. No person shall be deemed qualified for a future election to city council or allowed to submit a nomination petition who is in violation of any city election law and/or reporting requirements pursuant to the city Code. (Ord. No. 1130, 12-12-94; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

**SECTION 8-23 (FORMERLY 8-24) REDRAFTED:
CONTRIBUTIONS NOT REQUIRED TO BE REPORTED**

Here is a new, amended Section 8-23, numbered 8-24 in the current Code. It concerns contributions of campaign materials by persons not in a candidate's campaign and equal, shared contributions to more than one candidate. These contributions are not required to be reported.

The suggested amendments revise wording but not the substance of the current Section 8-24. Also, this section is to control, if a contribution it covers might appear reportable elsewhere in the Code (notably in Section 8-21).

The current Section 8-23, covering the format of campaign financial reports, is revised and incorporated in proposed amendments to Section 8-21.

Sec. 8-23. Contributions not required to be reported.

(a) If campaign materials supporting a candidate are paid for by a contributor or contributors whose names are all prominently displayed on the materials, and if none of the contributors otherwise make a contribution to the candidate exceeding twenty-five dollars (\$25.00), then the candidate is not required to report the cost of the materials as a contribution.

(b) If a contribution is made to more than one candidate, is shared equally by those candidates, and does not exceed twenty-five dollars (\$25.00) per candidate, then no candidate sharing the contribution is required to report it.

(c) Where a contribution made under this section appears to violate reporting requirements elsewhere in the Code, this section shall govern, and no candidate is required to report such a contribution.

Here is Section 8-24 in the current Code, with its legislative history.

Sec. 8-24. Contributions not required to be reported.

The name of any person who shall pay or share in the paying of the total cost of an advertisement or printed matter in support of a candidate which prominently displays the person's name and the names of all other persons who may be sharing in the cost and who has otherwise made no contribution to the candidate in excess of twenty-five dollars (\$25.00) shall not be required to be reported by the candidate or by the candidate's treasurer as having made a campaign contribution. The name of any person who shall make a contribution on behalf of more than one candidate shall not be reported if the contribution is shared equally by the candidates for whose benefit it is made and if the contribution amounts to not more than twenty-five dollars (\$25.00) for each candidate sharing in and benefiting from the contribution. (Code 1971, § 7-14; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

**SECTION 8-24 (FORMERLY 8-25 AND 8-26) REDRAFTED:
CAMPAIGN TREASURER.**

Here is a new, amended Section 8-24, incorporating and revising the campaign treasurer provisions in the current Sections 8-25 and 8-26.

The suggested amendments revise the wording in present Sections 8-25 and 8-26. They are not intended to change substance, except that: (1) a phone number requirement is added to the campaign treasurer appointment form, to assist the City Clerk in administration of the Election Code, and (2) the Board of Elections is explicitly given authority to strike from the ballot candidates whose campaigns violate campaign treasurer requirements.

Sec. 8-24. Campaign treasurer.

(a) Prior to nomination for the office of council member, a candidate shall state, on a form provided by the city clerk, the name, address, and daytime telephone number of the candidate's campaign treasurer. The treasurer must accept the appointment by signing and dating the form. The city clerk shall not receive or file a candidate's nomination petition, if the candidate or treasurer has not met these requirements.

(b) If a campaign treasurer leaves the position prior to the Friday before an election, then the candidate shall forthwith appoint a successor treasurer. If a treasurer violates reporting requirements in this Code, then the candidate must correct the violation. The board of elections is authorized to strike from the ballot any candidate who has not complied promptly with these requirements.

(c) A person who remains in violation of reporting or other requirements in this Code may not submit a nomination petition for a future election.

Here for comparison are the current Sections 8-25 and 8-26, with their histories.

Sec. 8-25. Appointment of campaign treasurer.

Each candidate for nomination to the office of council member shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the city clerk. (Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-26. Failure to appoint a treasurer or file reports.

Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed. No person shall be deemed qualified for a future election to city council or allowed to submit a nomination petition who is in violation of any city election law and/or reporting requirements pursuant to the city Code. (Ord. No. 1130, 12-12-94; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

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SECTION 8-25 (FORMERLY 8-27) REDRAFTED: CAMPAIGN ACCOUNTS.

Here is a new, amended Section 8-25, numbered 8-27 in the present Code. It provides for campaign accounts and the disbursing of account funds.

The suggested amendments alter style and format but are not intended to affect substance.

Sec. 8-25. Campaign accounts.

(a) Each candidate or campaign treasurer shall establish a bank account for the sole purpose of accepting and disbursing campaign funds. The account shall be separate from all others owned or maintained by the candidate or treasurer.

(b) Candidates may donate any of their campaign account funds to the campaign accounts of other candidates or elected officials, or to qualified charitable organizations.

(c) This section does not apply to funds donated by candidates to their own campaigns, but candidates must report all such contributions and any expenditures, as provided in this Code.

Here for comparison is Section 8-27 in the present Code, with its history.

Sec. 8-27. Campaign account.

Each candidate or campaign treasurer shall establish a bank account for the sole purpose of accepting and dispersing campaign funds. This bank account shall be separate from any other bank account owned or maintained by the candidate or campaign treasurer.

If a candidate has funds remaining in their account and wishes to disperse these funds for a purpose other than an expense of their campaign, they can donate the funds to another candidate, elected official and/or a qualified charitable organization. This section does not apply to funds donated by the candidate to his campaign.

(Ord. No. 1303, 8-10-09)